


BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2002-69-S - ORDER NO. 2002-182

MARCH 12, 2002

IN RE:	Application of Midlands Utility, Inc. for	)	ORDER APPROVING
	Approval of an Extension of Service Area to	)	APPLICATION FOR
	Provide Sewer Service to the Applebee's	)	EXTENSION OF
	Restaurant on Hwy. 1 in Lexington County,	)	SERVICE AREA
	SC.	)	



This matter comes before the Public Service Commission of South Carolina (the Commission) on the Application of Midlands Utility, Inc. ("Midlands" or the "Company") for Commission approval of an extension of service area to include a parcel of property located near the intersection of South Woodside Parkway and Augusta Road (US HWY No. 1), adjacent to the Lowe's Store in Lexington County, South Carolina. The subject parcel of property is the site of an Applebee's Restaurant.

Applebee's Restaurant has requested that Midlands provide service to the subject site. The site is located adjacent to Midlands' existing service territory. By its request to extend its service area to include the site of the Applebee's Restaurant, Midlands requests that the Commission waive notice and hearing requirements.

26 S.C. Code Regs. 103-504 (Supp. 2001) provides that "no existing public utility supplying sewerage disposal to the public ... shall hereafter sell, acquire, transfer, begin the construction or operation of any utility system, or any extension thereof, ... without first obtaining from the Commission a certificate that the sale, transfer, or acquisition is

in the public interest, or that public convenience and necessity require or will require construction or operation of any utility system, or extension.” Although 26 S.C. Code Regs. 103-504 (Supp. 2001) also provides for notice and due hearing, 26 S.C. Code Regs. 103-501(3) (1976) provides that “in any case where compliance with any of these rules and regulations introduces unusual difficulty, such rules or regulations may be waived by the Commission upon a finding by the Commission that such waiver is in the public interest.” Where extensions to service territory have been sought by a utility due to a potential customer or customers seeking the service from the utility, this Commission notes that it has previously waived notice and hearing on such extensions as part of the public interest.

In the instant matter, Applebee’s Restaurant requested service from Midlands. The property to be served is located adjacent to property which is currently served by Midlands. Upon examining the request to extend Midlands’ service area to the site of the Applebee’s Restaurant, the Commission finds waiver of the portions of 26 S.C. Code Regs. 103-504 (Supp. 2001) requiring notice and hearing to be in the public interest. The customer has requested service from Midlands and is the only customer impacted by the requested extension. Further, as the customer has initiated the request for service, the customer is aware of the provider and the rates of the utility, and the customer has indicated a need for the service by its request. Accordingly, we find that the public convenience and necessity requires the extension of the system.

IT IS THEREFORE ORDERED THAT:

1. The request of Midlands to waive notice and hearing of Midlands' request for an extension of its service area to include that certain parcel of property located at the intersection of South Woodside Parkway and Augusta Road (US HWY No. 1), adjacent to the Lowe's store in Lexington County, South Carolina, upon which an Applebee's Restaurant is located, is granted upon the finding of this Commission that the requested waivers are in the public interest.


2. The Application of Midlands to extend its service area to include that certain parcel of property located at the intersection of South Woodside Parkway and Augusta Road (US HWY No. 1) in Lexington County, South Carolina, upon which an Applebee's Restaurant is located, is granted upon the finding of this Commission that the public convenience and necessity requires the extension of Midlands' system.

3. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

  
Chairman

ATTEST:

  
Executive Director  
(SEAL)